

V



A  
nevve order  
*for Banqueroupts*



Imprinted at London at  
*the three Cranes in the*  
Vine-tree by Thomas Daw-  
*son for Thomas Chard.*  
1582.



A

new order

for Printing



Printed at London at  
the three Crownes in the

Printers Thomas Daw-

son for Thomas Church

1633

# A notable decree of the *Lordes of the Parliament*

house of Paris, bearing date the 26.

of Iune, 1582. Pronounced against

*William Buhigue*, containing a pu-

nishment for *Banquerouptes*,

namely the wearing of a

greene Cappe or

*Hatte*.



Efore I come to the  
setting down of the sen-  
tence pronounced by the  
Lieutenāt of La val, one  
of the iurisdiction of the  
presidentall seat of Poy.

to w. eyther of the confirmative decree of  
the Parliament house of Paris, ratifying  
the said sentence, I thought it good (gen-  
tle reader) in fewe wordes, to describe the  
part of a creditor towards his debtor, as  
also the charge of a debtor towards him  
that haue been beneficiall vnto him by  
relieving his want with his goods, whe-

## A greene Cappe

ther goulde, silver, or other commoditie,  
to the ende, by this brieft collection and  
aduertisement, each party may consider  
his office and duetie, and so, better late  
then neuer, reconcile himself to God and  
his neighbour, during his pilgrimage in  
this vayne and transitorie life, which be-  
ing ended, our God will (as all men  
knowe) require an accompt howe every  
one hath delt in his vocation and office,  
howe simple so euer it hath been, and in  
the latter day of iudgement, yeelde the  
rewarde due to his desertes, except by  
speedy repentance before the saide iudge-  
ment hee reconcile himselfe. For God  
being iust and perfect goodnesse, exten-  
deth his mercie vpon thousande genera-  
tions of those that vnfeinedly do loue him  
and obey his commaundements which he  
hath left, and willed his faithfull seruants  
and Apostles to preach vnto vs, and pu-  
nisseth only to the fourth generatiō such  
as of set purpose do disobey & transgresse  
his precepts, for more acceptable is obe-  
dience then sacrifice, & better it is to obey  
God then man. The part therefore of a  
creditor

## for a Banqueroupt.

creditor towarde his debtor, consisteth in lending vnto him that thing whereof hee standeth in neede, and which the creditor may w<sup>th</sup> least losse best spare, without looking for anyamends, or requiring any reward for the time of the lone therof, therein putting in practise that Christian charitie, whiche by God and his Church is taught in these wordes, *Mutuum dantes, nihil inde sperantes*, lend looking for nothing againe, together with many other places of the olde & new Testament, and Canonical & Apostolicall epistles, continued in the doctrine of many learned fathers of the Christian Church, both olde and newe, wherunto euery man is bound to conforme himselfe, in case he bee indued with any iot of iudgemēt, or beareth any dutifull affection vnto his saluation.

But such is  $\phi$  malice of our dayes,  $\phi$  creditors in their lending, will so greatly regard their owne commoditie, that if they lende, it shalbe to the ende, of their debtor to receiue double the value, as in deliuering but mean commodities, & to receiue again  $\phi$  best: In deliuering of rie, oats, or  
A 3      barley,

## A greene Cappe

barley, to claime againe pure and cleane wheat: either to deliuer their olde wines full of all sortes of dyegs, yea for the most part soure or foystie, and agayne, to require that whiche shall bee newe and of a perfect good vintage.

They sel their clothes and other wares at a high and deere price, when in troth they be but litle worth, giuing their debtors so short dayes, as to their vndoing, they be forced agayne to sell them, yea for the most part by brokers to those of whom they first bought them, for little or nothing.

Others there are that deliuer forth money, or other commodities from faire to fayre, from 3. monethes to thre monethes, after ten in the hundred or more, to the vtter empouerishing of their debtors. To be brieife, the Diuell and his suppostes in the shape of men, haue by their subtiltie inuented infinite kindes of vsurp: wherewith like rauening wolues they still deuoure their poore debtors, that are driuen to submitte themselves to their faith and charitable courtesies, who

## for a Banqueroupt.

in the ende are thereby brought to bitter  
beggerie, and vndoing without redemp-  
tion, whiche is a wofull and lamentable  
cace. Yea, in the good townes and other  
places, eache one maintayneth those  
people, and cloke theyr offences, or at  
the least dare not speake of them for feare  
of being stung by the like villanous vi-  
pers wherof the world is full: for vsually  
those be the soonest preferred to honors  
and dignities whereof in trueth they bee  
utterly vnworthy: therefore for those  
that are manifestly knowne to bee  
such letters forth of goodes, there were  
no reason theyr debtors shoulde incurre  
the sentence and decree hereafter rehear-  
sed, especially when it is euident where-  
in the debtors haue by such rauening  
wolues and theyr detestable broode been  
circumvented, deceiued and entangled  
with debt vpon debt vnto the full valewe  
and extent of all theyr goodes. Oh poore,  
miserable, and wretched sheepe, who ha-  
uinge yelbed fleze, skinne and flethe, doe  
hardly reserue the bare bones, which fat-  
tle vp and downe the Cities, Townes,



## A Greene Cappe

and villages, where they remaine with-  
in the reach of such wild & cruell beastes,  
as encroch by the whole worlde.

Howbeit as suche debtors are by iu-  
stice, to be relieved and defended agaynst  
that kinde of people, who in euery Citie  
and towne do beare the whole sway both  
in wealch, honour, and dignitie, so muste  
we not therefore maintayne a number of  
subtill shifters, which vsing all fayre pre-  
tences & colourable flattering speeches,  
doe abuse and deceiue both heere and els  
where, many well meaning marchantes,  
such as being of a franck, good, & vpright  
disposition do thinke that all others doe  
resemble them. These craftie con-  
ueyers by borrowings reiterated and re-  
newed after then neede requireth, and  
that in sundry places, and of diuers per-  
sons for feare of discrying, yea & in grea-  
ter sums then their power or habilitie  
wil beare, one credito? nothing knowing  
of another, whē þ dayes of payment draw  
on, will not find wher with to satisfie eue  
the smallest sum wherewith they haue bin  
holpen: but then to auoyde imprisonment,  
(there



## for a Banqueroupt.

(wherein counterfeiting the glutton and  
drunken Ape, which after drinke hoppeth  
vp & down) do leape from place to place,  
and according to the prouerb, come to set  
their tayles vpon the stone, which by law  
& iustice is appointed for the cession & de-  
livery of al their goods to their creditors,  
whom to the same intent, they cause to be  
summoned to the sight of that their mise-  
rable benefite: which interdiction of law,  
tending to the reliefe of the good & not  
to the bouldering vp of such fraudulent  
debtors, as are last mentioned, is founded  
vpon the edict of Orleance, though in that  
respect but simply executed throughout  
most part of this lande, where every one  
indifferently, whiche seeketh to deceiue  
his creditor, is vpon his owne onely peti-  
tion, admitted to the benefite of cession of  
goods, bringing in for the true value ther-  
of, no other witnesse then himself can chuse  
among his friends or fauourable neigh-  
bours, without other circumstance or so-  
lemnity, then during the sitting to a list &  
houlde plea barehead vpon the sayde  
stone.

## A greene Cappe

¶ Hereunto hath this court at this time had great & diligent respect, to the ende, hereafter to cutt off such shiftes and wicked dealings, for the reliefe of honest, and in deed charitable creditors, and therefore in confirmation of the sentence of the ordinarie iudge of Laual, haue decreed þæt frō henceforth, every one that will sue for þæt admission, to the benefite of cession of goods, shall weare a greene Cap or Hat, which his creditors shall buy him.

And for this time, William Buhigue to beginne with the wearing of the same, which shall bee prouided him, by Marin the Monke, defendent and withstander of the saide cession of goods, to the ende, as well the saide Buhigue, as all other of his profession may be knowne, and the worlde thereby warned of his or their saide cession, which by the wise aduice of the chiefe president Thow, together with the graue, learned, & experimented Senators, his assistantes in the great chamber, who are not to seeke in the like cases practized among the Romans, and conteyned in their histories and secretes of

## for a Banqueroupt.

of lawe, is commaunded to be put in execution. This decree is taken a simili, namely of the auncient maner of the Romanes, practised vpon such as had incurred any great losse by lād or by water, as piracie, drowning, fire, or robbery, or any such like, as we may in these dayes terme those extremities, whereto our Master vsurers by meanes and diuises aforesaid, together with infinite others, enow, if a man shoulde stande vpon them all, to replenishe hole vollumes, doe reduce and diue the poore : whose practise at this time is so manifest, that there needeth no more but the princes commission, directed to faithfull officers, to make generall enquirie thereof, least they doe hereafter as horseleaches, euen sucke vp the marowe of the poore, and be drunken with their blood, yea the prince must vse them according to the sence of the Embleme, where standing with a sponge in his hande, and wringing out of euery drop of water therein, he giueth to vnderstand, that in like maner he is to vse al such as fill & enrich themselves with his treasure, or the  
sub.

## A greene Cappe

substaunce of his pooze commons, whom  
with their subtrill slighces and practises,  
catching at their goodes, they wyng as  
dye as a bone.

The Romanes I say, vled playnely  
and at large to paint and set out the mis-  
eries, and inconueniences of losses, which  
such men had any way sustein ed, and che  
to cause the party endamaged, to carry  
vp and downe this table, wherin his losse  
was portrayed vpo his shouldiers, wher-  
by euery man might knowe his losse, and  
consider of his desert, and so if need were  
to relieue him, or otherwise to beware of  
committing to his hand that thing which  
he was not able to keepe or make accōpt  
of, as the satirical Poet Persius, and after  
him more at large his expositor Murme-  
lius do rehearse. Upon this ground haue  
this court at this present, in confirmation  
of this sentence of the aforesaide Judge  
of La Vall of the iurisdiction of the seat of  
Poitow, determined and decreed that the  
Banquerupte William Buhigue shall  
from henceforth weare a green Cappe or  
hat, at the cost of Marin the Monke de-  
sen

for a Banqueroupt.

findant, vpon the allowance of his letters  
of cession, and that onely to the ende, the  
saide Banqueroupt may in all places be  
known, as were those mē at Rome, whi-  
che carried vpon their shouldiers the pic-  
ture of their mishap, whereby the people  
might afterward know thē: Such ther-  
fore is the excellencie of this sentence,  
that it deserueth confirmation throug-  
hout all this lande, against suche Banque-  
rupts, as forcing them to weare a green  
cap or hatte, as a badge of their disorders,  
yea and to be for perpetuities inserted into  
the very heart of the ciuill & canon lawe,  
also by vertue of the princes perpetual &  
irreuocable edict, for euer to bee ratified  
word for word, after y order & forme of  
saide decree and sentence, as followeth.

An abstract out of the recordes and or-  
dinarie regiller of the court & Iur-  
isdiction of La Vall,

**B**etweene William Buhigue, prisoner  
in the castle of La Val, challenger of the  
benefice

A greene Cap

site of cession of goods at this present, by  
his Atturney M. Francis Belangier Li-  
centiate in the laws on the one part: and  
Marin y Monke appealāt there against,  
personally and by his Atturney M. Iohn  
Sercoul, likewise licenciat in the lawes  
on the other part.

The parties heard, & the said appealant  
by his declaration, not able to proue any  
concealment of goods, as by him hath  
been into this court intimated, wee doe  
debarre and condemne in costes and  
damages, and in respect thereof, haue a  
merced him at fourtie shillings tour-  
nois.

Moreover, in as much as the sayde  
appealant, cannot produce sufficient cause  
why the said Buhigue should not be ad-  
mitted to the said benefite of cession, our  
sentence is, that presently hee be dismis-  
sed out of prison, and so brought into this  
court personally to receiue the saide be-  
nefitte. Herevpon the said Buhigue,  
being come into the face of this courte,  
hath wholly resigned and made cession of  
all his goodes to his creditors, and ac-  
know

## for a Banqueroupt.

knowledgeth the whole sume by this appealant demaunded, faithfully promising vpon the bettering of his estate, to satisfie all his creditors, and affirming that hee hath not any other goodes whatsoeuer, then what presently hee beareth about him. Also that fraudulently he hath not made conuepaunce of any away. In consideration therefore of the premisses wee haue, and by the se presentes do grant the said benefite of cession vnto the aforesaid named William Bohigue, as well for all summes demaunded, as for his lodging and fees.

Wee do also at the instance of the appealant, the Monke aforesaid, decree and ordeyne, that for the manifest knowledge hereof, the saide William Bohigue shall from henceforth in all places, and at all times weare a greene Cappe or hatte, which the sayd the Monke shall prouide for him. Also that when, or wheresoeuer the saide Bohigue shall be found without the sayde Cap or Hat, after that the aforesaid, the Monke shall haue made deliuerie thereof to him, it shall be lawefull



ful for & said the Monke, or any other his  
creditors to commit him to prison, com-  
manding our chiefe vsher, vpon reason-  
nable requeste to see this our decree  
fully and in all parts executed accordyng  
as is most requisite, and thereto do giue  
him full power and authoritie.

Given at La Val, in the presence of us;  
Francis Tarrions, Licentiat in the lawes;  
and Lieutenant generall in the iurisdic-  
tion of the sayde place, this 9. of Sep-  
tember. 1580.

**Thus signed.**

**Morayne.**

**F**inally, this court by decree hath dis-  
annulled all appeales hereagainst, with  
out costs or damages, and do ordaine that  
notwithstanding whatsoeuer appeale, the  
said sentence shall stande in full force and  
power.

Given in full plea the 26. of June.

1581.

**Here**

## for a Banqueroupt.

Hereby it is euident that Annuell, Annuell &  
 Quinquennell, and cessions of goods, Quinquen-  
 oughe not slightly to be graunted, or per- nells are  
 mitted to euery one that will sue for the yeerely, and  
 same before a iudge, for the causes and sue yeerely  
 considerations before mentioned: for protections  
 Annuell and Quinquennell, are no other for debts,  
 but the two steppes whereby debtors doe  
 clyme to Banquerouptshipp, or cession of  
 gooddes, endeavouring by such deuises and  
 puaillodges to defeat their wretched cre-  
 ditors of such commodities, as simply  
 and on good faith they haue lent them.  
 Also vnder suche clokes, shadowing  
 their false intentes, and mayntayning  
 their credices to the uttermost: which is  
 an easie matter to doe, vntill the greene  
 Coppe of Hatte bee to the same contop-  
 ned, as an euident token thereof, accor-  
 ding as by the sentence is provided, whi-  
 che together with the decree, confirma-  
 ting thereof, deserueth perpetuall re-  
 membrance and honour, as the meane  
 whereby the posteritie may knowe such  
 as looke so simply to their affaires, or  
 fraudulently seeke to defeat their credi-

toys of their right, that they be forced to submitte them selues to the dishonourable wearing of a greene Cappe, or Hatte vnder paine of imprisonment on the behalfe of their creditors, so often as they bes founde destitute thereof.

Which neuerthelesse is not ment to tend to any such note of infamie as thereby to be debarred or reiected from lawful wituessing, or bearing such office or auctoritie, as otherwise they might bee capable of, in case all other their behaviour were correspondente. Neither ought any Annuels, Quinquenelles, or cession of goodes to bee otherwise taken, tollerated and allowed, then for mischances happening through fire, water, wars, or such like, when without doubt, by some ineuitable inconuenience, the losse of all or most parte of a mans goods doetherto due and enforce the petitioner, not his owne manifest negligence or wilful wast, and so to haue recourse to those meanes, yea sometimes before that debt be due, for the whiche they sue out the sayde Annuels, Quinquenelles, respits,

## for a Banqueroupt.

on cessions of goods : during the allowance of which suites, they shall not be forced to put into the officers hands those summs of money which they owe, except the said suite be compassed after condemnation. Neither is the suiter to be imprisoned, after hee hath procured his creditors to be summoned to appeare at the admission of the sayde Annuells, and Quinquenelles, but being so imprisoned, is to be released and set at liberty. Farther, a man condemned for trespass in amendes, is not receivable to the Cession of goodes. Many other things are also to be considered before any be forced to the said cession in respect of the interest that sundry creditors haue thereto: and therefore it is meete that any appeare at the suite commenced and prosecuted against the debtor for deteyning his person, by reason hee hath no goods (as is to be presupposed) wherewith to pay: but if he haue any, the he ought to cōfesse the to his creditor, to the ende, hee may therewith be satisfied according to reason. All which notwithstanding, it is to bee noted,

## A greene Cappe

that a man giuing by his goodes in manner aforesayde, can not be taxed with any spoote of infamie, reiected from witnessing on any behalfe, or made incapable of bearing suche office as otherwise hee might, or by right ought to enioy.

For cession of goods simply, is a fauour to the poore, and by lawe admitted for sundry commendable respectes, and therefore is not to breede contempt against those that by pouertie, or other inconuenience are forced to submit themselves to such extremities of lawe.

This therefore may be a sufficient warning to all creditors, wisely and christianlike, to vse their duetie as is before specified: also to such needy debtors, that in time they haue recourse to others according to reason, before they be compelled to weare a greene Cappe or Hatte at their creditors costes, as by this former decree, confirmatiue of the sentence of the abouenamed ordinarie iudge of La Vall, the day and yeere aforesayde, it is both learnedly, circumspectly, and wisely ordeyned.

Let

for a Banqueroupt.

Let this therefore serue as an example  
to all wise, discrete, and wary per-  
sons in euery common wealch.

Farewell friendly reader, and

take in good woorth this

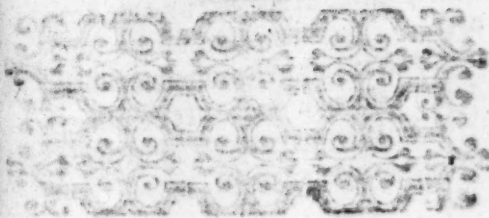
simple discourse: gross-

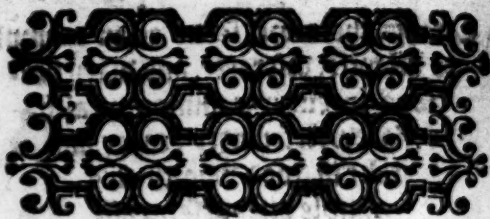
ded vpon the saide

sentence and

decree.

**FINIS:**





Imprinted at London at  
*the three Cranes in the*  
Vinctree by Thomas Daw-  
son for Thomas Charde.  
1582.

